

warships to capture after certain formalities merchant vessels employed in the carriage of such commerce. No justification exists for the extension of those rights to an aircraft, which is a new engine of war entirely different in character from a warship and unable to exercise over merchant vessels or private aircraft a control similar to that exercised by a warship over merchant vessels. Consequently there is no reason to confer on a military aircraft the right to make captures as if it were a warship, and no reason to subject commerce to capture when carried in an aircraft. In developing international law the tendency should be in the direction of conferring greater, not less, immunity on private property.

For these reasons the Netherlands delegation has not accepted the rules contained in chapter VII and its participation in the discussion of individual rules has been subject to the general reserves made with regard to the whole chapter.

The majority of the delegations have not felt able to reject the principle that the aircraft should be allowed to exercise the belligerent right of visit and search, followed by capture where necessary, for the repression of enemy commerce carried in an aircraft in cases where such action is permissible. This principle is embodied in article 49 of which the text is as follows:

Article 49

Private aircraft are liable to visit and search and to capture by belligerent military aircraft.

Article 50

Belligerent military aircraft have the right to order public nonmilitary and private aircraft to alight in or proceed for visit and search to a suitable locality reasonably accessible.

Refusal, after warning, to obey such orders to alight or to proceed to such a locality for examination exposes an aircraft to the risk of being fired upon.

Article 51

Neutral public nonmilitary aircraft, other than those which are to be treated as private aircraft, are subject only to visit for the purpose of the verification of their papers.

Article 52

Enemy private aircraft are liable to capture in all circumstances.

Article 53

A neutral private aircraft is liable to capture if it:

- (a) resists the legitimate exercise of belligerent rights;
- (b) violates a prohibition of which it has had notice issued by a belligerent commanding officer under article 30;
- (c) is engaged in unneutral service;
- (d) is armed in time of war when outside the jurisdiction of its own country;
- (e) has no external marks or uses false marks;
- (f) has no papers or insufficient or irregular papers;
- (g) is manifestly out of the line between the point of departure and the point of destination indicated in its papers and after such inquiries as the belligerent may deem necessary, no good cause is shown for the deviation. The aircraft, together with its crew and passengers, if any, may be detained by the belligerent, pending such inquiries.
- (h) carries, or itself constitutes, contraband of war;
- (i) is engaged in breach of a blockade duly established and effectively maintained;
- (k) has been transferred from belligerent to neutral nationality at a date and in circumstances indicating an intention of evading the consequences to which an enemy aircraft, as such, is exposed.

Provided that in each case (except k), the ground for capture shall be an act carried out in the flight in which the neutral aircraft came into belligerent hands; i.e., since it left its point of departure and before it reached its point of destination.

Article 54

The papers of a private aircraft will be regarded as insufficient or irregular if they do not establish the nationality of the aircraft and indicate the names and nationalities of the crew and passengers, the points of departure and destination of the flight, together with particulars of the cargo and the conditions under which it is transported. The logs must also be included.

Article 55

Capture of an aircraft or of goods on board an aircraft shall be made the subject of prize proceedings, in order that any neutral claim may be duly heard and determined.

Article 56

A private aircraft captured upon the ground that it has no external marks or is using false marks, or that it is armed in time of war outside the jurisdiction of its own country, is liable to condemnation.

A neutral private aircraft captured upon the ground that it has disregarded the direction of a belligerent commanding officer under article 30 is liable to condemnation, unless it can justify its presence within the prohibited zone.

In all other cases, the prize court in adjudicating upon any case of capture of an aircraft or its cargo, or of postal correspondence on board an aircraft, shall apply the same rules as would be applied to a merchant vessel or its cargo, or to postal correspondence on board a merchant vessel.

Article 57

Private aircraft which are found upon visit and search to be enemy aircraft may be destroyed if the belligerent commanding officer finds it necessary to do so, provided that all persons on board have first been placed in safety and all the papers of the aircraft have been preserved.

Article 58

Private aircraft which are found upon visit and search to be neutral aircraft liable to condemnation upon the ground of unneutral service, or upon the ground that they have no external marks or are bearing false marks, may be destroyed, if sending them in for adjudication would be impossible or would imperil the safety of the belligerent aircraft or the success of the operations in which it is engaged. Apart from the cases mentioned above, a neutral private aircraft must not be destroyed except in the gravest military emergency, which would not justify the officer in command in releasing it or sending it in for adjudication.

Article 59

Before a neutral private aircraft is destroyed, all persons on board must be placed in safety, and all the papers of the aircraft must be preserved.

A captor who had destroyed a neutral private aircraft must bring the capture before the prize court, and must first establish that he was justified in destroying it under article 58. If he fails to do this, parties interested in the aircraft or its cargo are entitled to compensation. If the capture is held to be invalid, though the act of destruction is held to have been justifiable, compensation must be paid to the parties interested in place of the restitution to which they would have been entitled.

Article 60

Where a neutral private aircraft is captured on the ground that it is carrying contraband, the captor may demand the sur-

render of any absolute contraband on board, or may proceed to the destruction of such absolute contraband, if sending in the aircraft for adjudication is impossible or would imperil the safety of the belligerent aircraft or the success of the operations in which it is engaged. After entering in the log book of the aircraft the delivery or destruction of the goods, and securing, in original or copy, the relevant papers of the aircraft, the captor must allow the neutral aircraft to continue its flight.

The provisions of the second paragraph of article 59 will apply where absolute contraband on board a neutral private aircraft is handed over or destroyed.

Chapter VIII. Definitions

In some countries, the word "military" is not generally employed in a sense which includes "naval." To remove any ambiguity on this point a special article has been adopted.

Article 61

The term "military" throughout these Rules is to be read as referring to all branches of the forces, that is the land forces, the naval forces, and the air forces.

Article 62

Except so far as special rules are here laid down and except also so far as the provisions of chapter VII of these rules or international conventions indicate that maritime law and procedure are applicable, aircraft personnel engaged in hostilities come under the laws of war and neutrality applicable to land troops in virtue of the custom and practice of international law and of the various declarations and conventions to which the states concerned are parties.

Mr. MORSE. This document reads in part:

The subject of bombardment by aircraft is one of the most difficult to deal with in framing any code of rules for aerial warfare.

The experiences of the recent war have left in the mind of the world at large a lively horror of the havoc which can be wrought by the indiscriminate launching of bombs and projectiles on the noncombatant populations of towns and cities. The conscience of mankind revolts against this form of making war in places outside the actual theater of military operations, and the feeling is universal that limitations must be imposed.

The conduct of the Turkish Air Force in the bombing of Cyprus meets the description of the international jurists—that the conscience of mankind revolts at it.

Article 24 of the code provides:

- (1) Aerial bombardment is legitimate only when directed at a military objective, that is to say, an object of which the destruction or injury would constitute a distinct military advantage to the belligerent.
- (2) Such bombardment is legitimate only when directed exclusively at the following objectives: military forces; military works; military establishments or depots; factories constituting important and well-known centers engaged in the manufacture of arms, ammunition, or distinctively military supplies; lines of communication or transportation used for military purposes.
- (3) The bombardment of cities, towns, villages, dwellings or buildings not in the immediate neighborhood of the operations of land forces is prohibited.

There is no dispute about this question of fact. The bombing of the Cyprus village took place far removed from any military operation—

In cases where the objective specified in paragraph 2 are so situated, that they cannot be bombarded without the indiscrim-

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SIGNAL RECORD

opposition in this country
the people.

That is a rule of war apparently honored in the breach. We are talking now about living up to international obligations. I am talking about the importance of my Government's going on record officially and formally in the United Nations against this violation of the rules of war by the Turks. I do not know why we have been so hesitant to do just that. Is it a matter of national guilt conscience because we may not like to have what we have done thrown back into our face as a slap? We are not in a very good position to talk when only in recent weeks we supplied the modern planes that were used by the Turks for the bombardment, and with fire bombs of American manufacture.

(4) In the immediate neighborhood of the operations of land forces, the bombardment of cities, towns, villages, dwellings or buildings is legitimate provided that there exists a reasonable presumption that the military concentration is sufficiently important to justify such bombardment, having regard to the danger thus caused to the civilian population.

(5) A belligerent state is liable to pay compensation for injuries to person or to property caused by the violation by any of its officers or forces of the provisions of this article.

Mr. President, "time's awastin'." There is not much time left to win a peace in the Mediterranean. I believe the members of the United Nations must act, and act promptly. The United Nations must make very clear to Cyprus and Turkey and Greece that we cannot stand by and permit them to throw all mankind into war which may lead to the third world war.

MCNAMARA'S WAR

Mr. MORSE. Mr. President, I turn now to the third and last topic.

It is very interesting to note the rethinking of some of my colleagues in the Senate on the support they gave some days ago to an unrelated declaration of war, an empowerment in the President of the United States. Some of those who voted for it are now, I notice, making insertions in the CONGRESSIONAL RECORD and making short speeches to get the matter before the United Nations.

As I said to one of them the other day, I welcome that. I am a great believer in conversion, although it is rather belated. If the same Members of the Senate had stood in the past 6 months with the senior Senator from Oregon and the courageous Senator from Alaska [Mr. GRUNING], and joined us in protest of the development of McNamara's war in southeast Asia, we might have changed the course of the United States war-making in Asia. We might have prevented the United States from becoming a serious threat to the peace of the world that she is in Asia at this critical hour. We might have been able to get our Government to recognize that it cannot escalate the war in North Vietnam, that it cannot endanger the enlargement of the war in Asia without

east Asia is giving it unjustifiably under a course of action that this Government is imposing which it cannot reconcile with the situation. Not even the resolution justifies the President sending a boy to his death in South Vietnam in the absence of a declaration of war.

The correspondence that I have put in the RECORD from a cross section population of this country, from all groups—great scholars, lawyers, judges, doctors, businessmen, housewives, farmers—leaves no room for doubt that at the grassroots of America this course of action of the United States in continuing McNamara's war does not sit well.

I believe that in the campaign ahead if someone were running on the Republican ticket and campaigning against the warmaking policies of the United States in Asia, the result of the election would be quite different from what it will be, because the American people, I am satisfied, will recognize that they have a better chance of attaining a final peaceful solution under the banner of my party, led by a great President, with whom I disagree only to any major extent in this aspect of his foreign policy.

I believe the American people will understand between now and November that their best hope for peace is with my party. But it does not make me happy that we put them in the position where that is the only choice they have.

We have walked out—and I pray it will be only temporarily—on a great record of American idealism in the field of foreign policy, for we cannot reconcile American warmaking in southeast Asia with the ideals of this Republic; nor can we reconcile the aggressive course with our treaty commitments under the United Nations, the Southeast Asia Treaty Organization, or the Geneva accords.

In the past 6 months I have developed those international law propositions at great length on the floor of the Senate. I shall do no more than mention them tonight. But before the Senate adjourns tonight for the next 10 or 12 days, I shall say again to the American people that I stand on every word I have uttered in the last 6 months in opposition to the United States warmaking policy in southeast Asia.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks a sampling of the correspondence I have received since the last sampling that I placed in the RECORD, in support of the opposition of the Senator from Alaska [Mr. GRUNING] and the senior Senator from Oregon to American warmaking policies in southeast Asia.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. The tragedy and futility of the American war effort in South Vietnam are becoming more evident every day. Every day's news brings further proof that the weakness of the Khanh government within South Vietnam is a weakness that cannot be overcome by any amount of American support. Every day brings us closer to a full-scale U.S.

means of preventing a complete Vietcong takeover.

That is the direction in which American policy is heading. If it is allowed to continue, it will entrap the American people in an Asian land war for years to come.

Four more American advisers were killed yesterday. How many more must die before the American people rise up and change the policy that put us into this impossible situation?

How many more Americans must die before even the Pentagon must see that the policy it has been directing in South Vietnam since 1961 is a failure? The McNamara war will never produce a victory. We will win military victories, but we will never win a peace through the prosecution of the McNamara war. The seizure of absolute power by General Khanh, accomplished with the approval of military advisers, is creating more civil unrest than ever among the people of that country. We now read the words "anti-American" to describe the attitude of many South Vietnamese. The rumors that Americans will take command positions in the higher echelons of the war effort is damaging, not aiding, the war effort.

If the present direction of American policy continues, it can lead us only to a more complete involvement of American troops in the Vietnam civil war, and it can lead only to an undisguised takeover of the South Vietnamese Government by the United States.

Running the country by remote control has not defeated the Vietcong. It has not even stemmed the tide of rebel successes. If the Pentagon follows its usual habits of thought, these failures will merely be followed with an application of more of the same. That means an increasing degree of direct American management of the country and direct American participation in the war.

All the talk about the sanitary air warfare and sanitary sea warfare that we might conduct against North Vietnam cannot change the fact that the rebels are winning on the ground in South Vietnam. The new tactic of passive resistance is not one that can be overcome with overwhelming weapons superiority, including nuclear weapons. It bespeaks the failure of military solutions to economic and political problems in South Vietnam, and it is a forewarning that the longer we continue pressing a military solution, the more desperate our position is going to get.

How many more American military advisers must die before we change that position?

How many more forts are going to be wiped out, like the one reported yesterday by what our advisers are quoted as calling a perfectly executed Vietcong attack? How many more tributes to Americans are going to be hauled away, in the dead of night, like the monument to President Kennedy was hauled away to prevent further manifestations of anti-Americanism? How long will it be before the United States means to the people of Vietnam what France meant to them 10 years ago—one more Western

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ruler seeking to impose its own objectives upon them?

Must we wait until we suffer 240,000 casualties, as France did? Are we going to wait until 90,000 American boys have been killed in Vietnam and 240,000 seriously wounded? Must we wait until the American people, at long last, say to whatever administration is in control at the time: "We have had enough"?

I raise my voice in these warnings because I am convinced that the American people have already had enough; but our Government is not yet aware of the strong growing dissent at the grassroots of America in protest of the unnecessary and unjustifiable killing of American boys in Asia.

We cannot settle the problems of Asia on the battlefield. The only place they can be settled is at the conference table. That is where we should insist that these problems go, and go immediately.

There is no doubt that the war in Vietnam is going very badly. How much more are we going to ante into the pot before we admit we are playing a losing hand? We have no business promoting any particular government in South Vietnam. We have no business arranging for one dictator to be overthrown by another who will serve our purpose better. We have no business encouraging him to tighten his personal grip on the country in the name of "greater efficiency." We have no business sustaining a war in a country 7,000 miles from our shores, whose people have shown no interest in the policies we have imposed upon them.

We need to be on guard against the danger of getting ourselves involved in a holy or religious war in South Vietnam. The developments in the past few days revive, once again, the great question of a contest between religious beliefs in South Vietnam. The United States has no place and has no right to become involved in a holy war in South Vietnam or anywhere else.

We can fight forever in Vietnam, as the Secretary of Defense once promised to do if we did not have our way, and we can commit our entire Armed Forces to the war, but we never will win the peace. We never will be able to withdraw once we escalate the war. The only prognosis for what we are doing in southeast Asia is that we will have to keep on doing it forever, at an ever increasing cost.

How many more Americans are going to be sacrificed before we have the sense to go to the conference table, or to the United Nations?

I also want to call to the attention of the Senate some of the circumstances surrounding the incident in the Gulf of Tonkin which were not discussed during the recent debate on the Asian resolution.

At the time of the debate on the joint resolution, it may be remembered that the Senator from Oregon, as tactfully as he could, within the rules of the Senate, without violation of any rule of secrecy, charged that the United States was a provocateur in the Gulf of Tonkin. I repeat tonight that the United States was a provocateur in the Gulf of Tonkin episode. The United States was a part and parcel of the escalating of the war into

North Vietnam. The United States was connected with, had knowledge of, but did not try to stop the sending of South Vietnamese naval boats, boats that we supplied, that we armed, and whose crews were trained by us, to conduct the bombardment against the two North Vietnamese islands some 3 to 5 or 6 miles off the coast of North Vietnam.

We had American naval vessels in the vicinity. The Pentagon disputes how far away they were. If they were 75 miles away, they were a provoking element. There is no question that one of them was within the 12-mile limit of North Vietnam at the beginning of the bombardment.

Mr. President, I placed in the Record the other night the column written by Jack Anderson based upon his analysis of what some of the documents show. There just is no way to doubt the full knowledge of American diplomatic and military officials in Saigon concerning the plans of this little dictator puppet tyrant that we are supporting and imposing upon 15 million South Vietnamese people—General Khanh. There is no question that we knew of the escalating of the war. As I said the other day, and repeat tonight, that has been the objective of Secretary McNamara for months and months, to escalate the war. That has been the objective of the Ambassador we had over there—Mr. Lodge; and it has been the objective of the present Ambassador, General Taylor. And they prevailed. The question now about escalating the war into North Vietnam is that we have escalated it. We are going to have to be charged in history with that sordid act.

The Providence Journal, of Providence, R.I., brings out some interesting points about the attack on the U.S. destroyer *Maddox*. The editorial states:

The clear indication of both the Defense Department statement and the admiral's remark was that the *Maddox* did not fire until fired upon. This is not at all clear, however, from the chronology which was subsequently released by the Navy. That chronology reads in part:

3:40 a.m.: *Maddox* reported being approached by high-speed (estimated 45 to 50 knots) craft whose apparent intention was to conduct torpedo attack, and that she intended to open fire in self-defense if necessary.

4:08 a.m.: *Maddox* reported being attacked by the torpedo craft. Opened fire with 5-inch battery after three warning shots failed to slow down attackers.

4:08 a.m.: The boats continued closing maneuvers, and two closed to 5,000 yards, each firing one torpedo.

4:21 a.m.: Third attacker moved up to beam of *Maddox* and received direct hit by 5-inch round and at same time dropped torpedo into water which was not seen to run. Machinegun fire from the boats directed at *Maddox*.

Then the editorial points out:

It would appear from this account that the *Maddox* actually fired both warning shots and shots directed at the North Vietnamese craft before the PT boats launched their torpedoes or fired their guns. A Navy Department spokesman has confirmed this interpretation of the chronology.

It ought to be borne in mind that the U.S. warship opened fire while the craft whose apparent intention was to conduct

torpedo attack' were still at least 5,000 yards—nearly 3 miles—away.

The Navy spokesman said that the behavior of the Communist PT boats 'under anybody's rules of engagement' could be 'assumed' to indicate an attack, even at 5,000 yards.

This is a matter of opinion. Three miles is within torpedo range, we are told, but it's a long shot for a torpedo boat, especially for attack against something as maneuverable as a destroyer.

Even on the thesis that the *Maddox* was justified in initiating action, it is still not correct to say she 'returned' the fire of the PT boat. We started the shooting.

These are not among the facts that Americans were given in the President's television message, nor were then pointed out in the general news coverage of the *Maddox* incident.

But they are the kind of facts that have been withheld so long that the American people do not know how we ever got started in the Vietnam war, much less what its objective is. "To make China let her neighbors alone" is the objective the Secretary of State claims for it, but that is so vague, so remote from reality, so implausible coming from a country 7,000 miles away, that it is no standard at all behind which a nation can rally.

The Defense Department is dragging the American people into the quicksands of McNamara's war in southeast Asia. How many more advisers are going to die in those quicksands before the American people take the matter in hand and demand a change of policy in that part of the world?

Mr. President, the saddest chapter that has been written in connection with McNamara's war involves that second attack on the part of the North Vietnamese. It would seem clear now that after the bombardment of the North Vietnamese islands, the discovery of the *Maddox* in the general vicinity of Tonkin Bay was close enough so that she could have come to the assistance of the South Vietnamese boats if they needed it, although the Pentagon claims that the captain of the *Maddox* was not notified. I accept that statement, but of course it is a meaningless statement, for the *Maddox* was under constant electronic communications with the officials in Saigon. In a matter of practically seconds or a minute or two she could have been directed by those electronic communications to proceed forthwith to the protection of those South Vietnamese, American-supplied, naval-armed attacking boat that escalated the war, at long last, as desired by General Khanh, Secretary McNamara, and Ambassador Lodge, and Ambassador Taylor. She could have been sent in a matter of minutes to the protection of those boats. There is no question that her presence in Tonkin Bay, as close as she was to the area of bombardment, was a clear provocation.

I repeat what I said before: What do we think would have been the attitude of the United States if Castro had sent two Russian-supplied, armed PT boats off Key West to bombard Key West, and a Russian destroyer or Russian submarines had been 30, 40, 50, or even 75 or 100 miles from Key West at the time?

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We would have sunk the Russian ships, because we would have considered it a clear provocation—and it would have been a clear provocation. We would have sunk them, unless they ran up the white flag and moved into an American port.

Mr. President, we cannot have it both ways. We can be provocateurs too—and we were, in Tonkin Bay. There is no question about the fact that reports had been subsequently obtained on the North Vietnamese PT boats saying that the *Maddox* was in that area. The record is clear that she took to the sea some time before they got into firing distance of her. Although there is dispute about the distance—there is some reason to believe she was only 30 miles away when it became perfectly clear that the PT boats were seeking to overhaul her and in all probability attack her—I am perfectly willing to accept the distance of 60 miles when the actual attack started. It was a clear American provocation—argue all we wish to about the fact that we were in international waters.

We were in international waters because of a threat to the security of North Vietnam after two islands had just been bombed by South Vietnamese naval ships, supplied and armed by the United States. We cannot participate in this kind of military operation and not expect just such incidents as this to occur. That is why I say, "Let us stop the shooting. Let us stop the killing. Let us demonstrate that we believe in peace."

We are making ourselves look absurd when we say through our Government, "The conference table can come later. The conference table can come after we dominate the battlefield."

Mr. President, that is not a country standing for peace. That is a country standing first for war, and then saying, "And we win the war, as the victors, we will sit down and tell you what the terms of peace will be." That is what has been the trouble for centuries. That is why no war has ever produced a peace in all the history of mankind. All that war has ever done has been to produce more wars, with only an interval of time between them, which some have mistakenly called a peace. But so long as mankind, or powerful nations in civilization, believe that they have the right to make war, there will be the danger of war.

The United States is demonstrating that she believes she has the right to make war, for the United States is making war in Asia. And the United States, in McNamara's war in Asia, is walking out on all of her deals in respect to proclaiming that she stands for peace.

What a mockery we are making of our professing that we stand for the substitution of a rule of law for the jungle law of force. What a shameful record the United States is writing in the pages of history of mankind in this dark hour of 1964.

Until there is a declaration of war, I intend to give no support to my President, or to my Government for its war-making policy in Asia.

Mr. President, I ask unanimous consent to have printed at this point in the Record the following material: A letter from Edwin B. Hamilton, Columbus, Ohio, supporting the position that I have expressed again on the floor of the Senate tonight, together with an article he sent along with his letter, entitled "X-Ray and Forecast: History Pauses in Vietnam," an article from the Portland Oregonian, in the column entitled, "The People's Corner," consisting of a letter to the editor by Mr. Griffin supporting my position; two letters to the editor of the Eugene Register-Guard, from Sanford A. Kenney and C. Dan Christensen, supporting my position; and an editorial from the St. Louis Post-Dispatch entitled "The U.S. Peril in Vietnam."

There being no objection, the material was ordered to be printed in the Record, as follows:

COLUMBUS, OHIO,

August 6, 1964.

DEAR SENATOR MORSE: Let me congratulate you on your honest and candid admission that the United States has some responsibility for the tragic events occurring in Vietnam.

Enclosed is part of a newsletter I subscribe to that deals with many of the unpleasant facts of the southeast Asian area.

I share the view with you that the United States must share the blame for some of the distasteful events of the last week.

Please continue your forthright discussions of this matter.

Sincerely yours,

EDWIN B. HAMILTON.

[From the Wells Newsletter, July 1, 1964]

X-RAY AND FORECAST: HISTORY PAUSES IN VIETNAM

The total bankruptcy of military diplomacy in this age of worldwide revolution—with the vaulted mushroom clouds of nuclear power towering over us—is being dramatically revealed in the southeast Asia crisis. Events seem now to have paused in a period of indecision. Political blunders and military pressures have permitted far too few of the facts to reach the American public. The political pressures are characterized by the Goldwater suggestion that we should drop low-level nuclear bombs to "defoliate" the jungles of Vietnam to expose Communist hideouts. Shouldn't there be some concern about the certainty that the same blasts would sear the trunks and limbs of children, as certainly as the trunks and limbs of trees?

We have learned from U.S. AID personnel in Vietnam that hospitals are so few and so limited in capacity that often most of the beds are filled with wounded children and mothers, with four or five in a bed. The male civilian casualties are left on mats in the hospital yards in rain or scorching heat. Nearly all these are South Vietnamese, wounded in South Vietnam by the South Vietnamese as they turn U.S. artillery fire on Communist penetration points or fly over in S. planes and drop U.S. napalm fire bombs on the villages.

The American public needs to know more about the recent history of Vietnam to understand the gross failures of military policy. (The facts we review here in brief can all be verified in any adequate history of modern Asia.) The entire area was under Chinese rule for over 1,000 years—until the French made it a part of their empire about 100 years ago. When the Japanese drove the French out in World War II, our own OSS operators infiltrated Vietnam to develop guerrilla forces behind the Japanese lines. Our operators discovered a strong independent Nationalist movement, called the

Viet Minh, under the leadership of Ho Chi Minh who was trained by the Communists in his youth. During the war, the United States worked with the Viet Minh against the Japanese.

With the Japanese defeat, plans were made for Indochina to be placed under an international trusteeship. The French, after originally agreeing to this trusteeship, reasserted a claim over their former colonies in 1946 and the trusteeship was dropped. The Ho Minh forces demanded independence from France but were promptly and ruthlessly suppressed as the French armies reoccupied the country. The Viet Minh then looked to the United States as their war ally for aid. We ignored them in deference to the French. They then turned to Russia, and the French began bloody suppression of the Viet Minh, using U.S. lend-lease weapons. Ho Minh's forces naturally became thoroughly hostile to the West and gravitated increasingly into the Communist orbit—furthermore they proved far more clever and determined than the French. The war for independence finally culminated in the disastrous defeat of France in the Battle of Dien Bien Phu, after the United States had poured in over a billion dollars in support of the French in Vietnam.

The defeat of the French of course opened Vietnam to the Communists under the Viet Minh whose victory had been achieved almost entirely with U.S. weapons captured from the French or with weapons that had trickled out all over Asia through the fingers of Chiang Kai-shek and his corrupt generals during the preceding years. In order to stem the Red tide, the United States enlisted as anti-Communist Vietnamese Nationalists by the name of Ngo Dinh Diem—a wealthy aristocratic exile. The U.S. Central Intelligence Agency began to take over at this point and engineered Diem to his place of power—which soon evolved into a family dictatorship.

The CIA continued to finance Diem even when he tried to crush the rebellious Buddhist sects who challenged his tyrannical authority, for the Diem family were ardent Catholics in a country that is 70 percent Buddhist. Diem appointed only Catholics to positions of top responsibility—often men who were arrogant and oppressive. Naturally this enraged the Buddhists. But none of this bothered the CIA, for "getting on with the war"—no matter what or how—has been the motto of far too many officials in Washington. Neither the CIA nor official Washington evinced concern that the great majority of the South Vietnamese people were embittered against the U.S.-created Diem dictatorship and were willing to welcome their fellow Vietnamese from the North who were still fighting for "independence" under Ho Minh. We kept pouring in the millions while Diem and his family associates became richer and more arrogant, until the regime ended in a gory collapse. This unhappy record is corroborated by the open admission that many of the Communist forces, now called the Vietcong, are South Vietnamese and not from the Communist North.

FROM THOSE WHO WERE THERE

From a symposium on Vietnam and from other sources, we have gleaned much data that contradicts popular reports in our press. Participating in this symposium were Stanley Millet, a professor of political science who taught for 2 years at the University of Saigon; Robert Browne, an economist who spent 6 years with the U.S. aid program in South Vietnam and Cambodia and who returned recently with a Vietnamese bride; Arthur Dommen, who served as a UPI correspondent in Vietnam for 2 years. Other materials came from published reports by Dr. David Arnold of Princeton University who served 14 months with the USIA in Saigon.

The consensus of opinion in the recent symposium on Vietnam was that the Peiping Communist Government is very remote from the South Vietnamese situation. It is now believed that both sides are fighting almost exclusively with U.S. weapons and ammunition, except for a certain quantity of home-made weapons. There is little evidence that weapons have been shipped in from Red China or Russia, and when any are found, the news is headlined far out of proportion to the facts. "If this were not true," commented the UPI correspondent, "why haven't the Red Chinese at least given them anti-aircraft guns with which to shoot down our low-flying planes and helicopters, to say nothing of providing them with planes? They are still banging away at them with their rifles and small shotguns."

The suppression of official battle reports and military information by the CIA and military officers of rank, along with their Vietnamese counterparts, reached scandalous proportions, as between the Lines has previously reported. Secretary of Defense McNamara made four trips to the battlefields before he could get the facts. The top American generals received only data designed to please them, these reports having been channeled through their Vietnamese collaborators.

As we recently reported, on one trip McNamara was volubly reassured by U.S. generals and the CIA men that the Diem regime was functioning in a strong, effective, and trustworthy manner, contrary to some alarming rumors that were leaking out. Shortly after McNamara returned to Washington, the regime collapsed in the midst of a bloody insurrection that was ardently backed by nearly all the population.

The U.S.-supported South Vietnamese troops have no appetite for killing their Vietcong brothers just because they had turned to the Communist movement for "independence." And the South Vietnamese officers have had no stomach for fighting in the jungle either. Oh, they have been quite dashing in the matter of shelling village areas with U.S. artillery or dropping bombs, including those containing napalm jelly which sprays sticky long-burning gasoline flames over a wide area, destroying the villagers with the villages—all in an effort to destroy a few Red guerrillas.

The South Vietnamese officers run little personal risk in such action—and never even see those who are the victims of their attacks.

[From the Portland Oregonian,
Aug. 12, 1964]

THE PEOPLE'S CORNER
COURAGEOUS MORSE

To the Editor:

The burden of proof is upon the Oregonian for its charges that Senator Morse "slandered" President Johnson by claiming that U.S. military presence in South Vietnam serves only the interests of rich merchants and generals in Saigon. Since the allegation of slander, made against a public official, is a serious one I defy the Oregonian to prove both the falsity and maliciousness of Senator Morse's statement. Show your readers, if you can, what freedom is at stake in the military dictatorship of South Vietnam.

It is obvious that the clouded events in the Gulf of Tonkin, far from being a threat to the security of the United States have merely been a pretext for a show of American military might in the Far East and a prelude to deeper involvement. International waters or not, the stationing of American warships in this secluded gulf can be construed only as a deliberate provocation, the purpose of which becomes suspect in light of recent demands that the war be "carried to the North."

Senator Morse deserves all of our praise, not your thoughtless criticism, for his courageous efforts to bring the facts of American foreign policy before the public.

PETER A. GRIFFIN.

SALEM.

[Two letters from the Eugene (Oreg.)
Register-Guard, Aug. 14, 1964]

VIETNAM

To the Editor:

Many years ago we thought we could export democracy. We thought we were the livin' end as a model country for other less fortunate countries to pattern themselves after us. Now we have found our ways and methods are not easily accepted by countries with different cultures and civilizations than ours.

During this venture in world politics, we entered into agreements and treaties; one of these was the Geneva Accords of 1954 on Vietnam. Now after many years of futile effort to set up a democratic government in Vietnam, we find ourselves one of the first to violate the treaty. Admitting the Communists too have violated the treaty, two wrongs still do not make a right.

The Johnson administration inherited this unhappy situation from the Kennedy administration, the Kennedy administration inherited it from the Eisenhower administration and so on. Many of us Americans are just waking up to what the situation really is. We find it is one of our own making and it's pretty bad, but we stubbornly continue down a road which has led us into some very serious trouble, trouble that can worsen to the point of all-out war and then still will not have a democracy established in Vietnam.

I think it is time for all of us to seriously and honestly consider the stand WAYNE MORSE has taken on our action in Vietnam. His is the only one that closely parallels the plan we have been pursuing. The U.S. Senators' fleeing from the Senate Chambers when MORSE speaks on this subject indicates that they are not sure what the reaction of their constituents would be and therefore do not want to go on record as voting one way or the other.

BARRY GOLDWATER has dared Lyndon Johnson to "back down" from the stand Johnson took in the recent Vietnam crisis, yet most of the people I have talked to fear a GOLDWATER victory largely because his reckless and belligerent aims could lead into a quite unnecessary war. It is unfortunate for the GOLDWATER supporters that the Vietnam crisis occurred at this time, but I think it presents itself as a real opportunity for us Americans to rally around our Government, giving it our support, admitting we as well as the lawmakers share the blame for the mistakes that have been made and also share in the responsibility of helping get this in the hands of the United Nations where it belongs.

The supporters of WAYNE MORSE owe him a vote of confidence by helping carry the ball a bit at this time and do our country a real service as well. Any rebuttals or additions?

SANFORD A. KENNEY.

SPRINGFIELD.

BACKS MORSE

To the Editor:

I should like to go on record as wholeheartedly supporting Senator WAYNE MORSE's courageous stand on the Vietnam situation, as well as foreign aid.

C. DAN CHRISTENSEN.

EUGENE.

[From the St. Louis (Mo.) Post-Dispatch,
Aug. 3, 1964]

THE U.S. PERIL IN VIETNAM

Although it may not be easy in the midst of the crisis atmosphere in Asia and in Wash-

ington, Americans could well afford the time necessary to reexamine the U.S. position in South Vietnam. Events of the last week have shown how dangerously close this country is to a far deeper military involvement in the jungles 8,000 miles from home.

Overwhelming congressional support of a resolution backing President Johnson's action in southeast Asia (the Senate vote was 88 to 2, the House 414 to 0) serves admirable notice to the world that although this is an election year the Nation is united behind the Commander in Chief.

And yet the swift passage of the measure eliminated the possibility of a debate on the merits of our Asian policy, one that is long overdue. Perhaps this was not possible under the circumstances; it was important to give the President quick and strong support. But this should not prevent the public from pondering the opposition of Senators MORSE and GRUENING. Mr. GRUENING said: "All Vietnam is not worth the life of a single American boy."

How much is Vietnam worth to us? As Marquis Childs reported: "If the worst should happen, the Johnson administration faces an awesome choice—sending in large numbers of American combat troops or expanding the war with massive bombings in the north. The risks in either course are incalculable. A third choice, getting out of Vietnam, seems impossible in view of what has gone before and in the light of politics in a presidential election year."

The deadly peril of being sucked into an Asian holocaust stems from the fact that the United States cannot control events. If Red China wants war, we could be drawn in against our will. It is unfortunate that we must admit our best hope lies in the probability China does not want a major Asian war. Why should it? Time and geography are very much on the side of the Chinese. The North Vietnamese have been winning the Indochina struggle. And that makes their torpedo attack on units of our 7th Fleet in the Gulf of Tonkin all the more baffling. The United States was wise, incidentally, to halt further patrols in the gulf at this time.

The new state of emergency in South Vietnam may reflect Premier Nguyen Khanh's determination to resist a possible invasion, or to carry the war to the north, as he has been advocating. But it is also a measure of the near collapse of his government. Would a sound regime, even in these straits, find it necessary to empower military courts to impose summary death sentences on all terrorists, saboteurs, and black-market speculators, with no right of appeal?

The facts appear to be that the majority of the South Vietnamese care less about fighting the Communist Vietcong than do the Americans, who have been spending more than \$500 million a year and who have more than 16,000 military advisers with the South Vietnamese forces.

How the United States came to assume the lost French cause in Indochina a decade ago and associate itself with successive regimes in Saigon is a long and tragic story. Regardless of the past, the problem now is how to extricate ourselves honorably. Our present course should be to prevent General Khanh from taking any rash steps that would enlarge the war. President Johnson has made it clear that we seek "no wider war."

A negotiated political settlement is the only possible conclusion to the Indochina struggle, and if the war can be held within bounds a little longer a way to accomplish that may present itself. The United States has no real strategic need for a foothold in Indochina; with its invincible sea and air forces it will be a power in Asia for the foreseeable future.

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So any opportunities for negotiations should be carefully considered. Perhaps Secretary General U Thant of the United Nations is right in his belief that the Security Council is not the place to bring about a settlement now. After all, North Vietnam is not a member of the U.N., and neither are South Vietnam and Red China. But discussion in the Council, assembled at the request of the United States, could lead to openings.

Hopefully, these may be found before it is too late. Present indications are that there will be at least a breathing spell, but tensions are high and anything might happen. Would it not be well for Americans seriously to consider whether they want to continue tempting fate in Indochina? We advocate freedom and independence for Vietnam. This is a proper goal, but it can be attained only through a political settlement guaranteed by the big powers—including Red China—operating through or outside the U.N., and not by force of arms.

Mr. MORSE. Mr. President, although the St. Louis Post-Dispatch has not gone all the way in opposition to the American policy in South Vietnam, it has written a series of editorials in the past many months raising serious questions about our policy in South Vietnam. One of its more recent ones—which I just had printed in the Record—is an editorial of August 9, entitled "U.S. Peril in Vietnam."

I shall read a part of the editorial. It reads as follows:

And yet the swift passage of the measure eliminated the possibility of a debate on the merits of our Asian policy, one that is long overdue. Perhaps this was not possible under the circumstances; it was important to give the President quick and strong support. But this should not prevent the public from pondering the opposition of Senators MORSE and GRAUENING. Mr. GRAUENING said: "All Vietnam is not worth the life of a single American boy."

How much is Vietnam worth to us? As Marquis Childs reported: "If the worst should happen, the Johnson administration faces an awesome choice—sending in large numbers of American combat troops or expanding the war with massive bombing in the north. The risks in either course are incalculable. A third choice, getting out of Vietnam, seems impossible in view of what has gone before and in the light of politics in a presidential election year."

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The facts appear to be that the majority of the South Vietnamese care less about fight-

ing the Communist Vietcong than do the Americans, who have been spending more than 500 million dollars a year and who have more than 14,000 military advisers with the South Vietnamese forces.

Mr. President, the editorial goes on to point out other weaknesses. And, of course, the most tragic mistake we have made is that after the second attack, we had tried to respond to the attack by attacking the attacking ship. We then committed a clear act of aggression. We had no right under international law to bomb the mainland of North Vietnam. That was an act of war on the part of the United States.

It ought to have been followed or preceded by a declaration of war. When the question is adjudicated by an international tribunal, if it ever is, I predict that the United States will be found to be clearly guilty of an act of aggression against North Vietnam. We had the right to sink the attacking boats. We had the duty under international law thereafter to take our allegations as to the violation of international law by North Vietnam—and she was completely guilty of violating international law by attacking our boats on the high seas—to the United Nations. But we had no right whatsoever under international law to proceed to bombard North Vietnam.

That is why we are finding not very much enthusiasm for the American position. We will find less and less if we do not stop this course of action.

Mr. President, lastly, I ask unanimous consent to have printed in the Record an article entitled "Southeast Asia Smolders in Dawn of New Disaster," by Edwin A. Lahey of the Knight newspapers.

There being no objection, the article was ordered to be printed in the Record, as follows:

SOUTHEAST ASIA SMOLDERS IN DAWN OF NEW DISASTER

(By Edwin A. Lahey)

WASHINGTON.—The threat of immediate war with Communist China seems to have receded.

But the southeast Asia peninsula still smolders like a city dump.

The French, who haven't won a bout since Napoleon's day, were forced out of this unpleasant part of the world in 1954, when they had to liquidate their Indochina colony. (The French still own a lot of property there, however.)

Ten years ago, the United States became receiver in bankruptcy for this area, with special emphasis on South Vietnam, the non-Communist portion of a partitioned country.

America had to take up the burden because South Vietnam was the one bastion where we could operate as a retaining wall against the infection of communism, which spreads from China toward the rest of Asia.

With characteristic high-mindedness, the United States looked for the government of South Vietnam to install some social reforms, so the average citizen would feel he had been elected to membership in the human race.

President Eisenhower wrote to President Ngo Dinh Diem in 1954 that our money and our military support were pledged to South Vietnam, but, in turn, "the Government of the United States expects that this aid will be met by performance on the part of the government of Vietnam in undertaking needed reform."

Ten years later, even the officials of America are talking about these reforms in the future tense.

This is what impels Senator WAYNE MORSE, of Oregon, to declare of our policy in South Vietnam:

"Even the American people know that to say we are defending freedom in South Vietnam is a travesty on the word."

"We are defending General Khanh (the president) from being overthrown, that is all."

"We are defending a clique of generals and their merchant friends who live well in Saigon, and who need a constantly increasing American military force to protect their privileged position."

Senator MORSE's long tirade against our South Vietnam policy has been ignored, not only in recent months, but in the present week, in which torpedo boats of the Communist North Vietnam Navy, with apparent idleness, attacked units of the U.S. Navy's 7th Fleet in the Gulf of Tonkin.

But even the official accounting of the Agency for International Development to Congress would tend to support MORSE's comments about the failure of our South Vietnamese proxies to bring about some social reform with the hundreds of millions of U.S. dollars that are being poured into the country.

The Agency for International Development reported to Congress in April of this year that "effective political, social and economic programs must be developed (in South Vietnam) to overcome popular grievances and give the peasant an incentive to defend his home and his village."

This is precisely what President Eisenhower was saying to President Diem several billion dollars and 10 years ago.

The government of General Khanh, which overthrew the Diem government last November with apparent U.S. approval, "has recognized the need for fundamental reforms to attract and hold the loyalties of the peasants," the AID report to Congress said 4 months ago.

But the AID officials eagerly use the future tense in discussing South Vietnam reforms.

"In general," they said in their April report, "the (Khanh) government has been moving in the right direction, with the proof of sustained effective action yet to be seen."

This is about what Senator MORSE has been saying all along, in much harsher language.

"If war is really too important to be left to the generals, then the American people are going to have to make themselves heard on U.S. policy in Asia," the Oregon firebrand declares.

Mr. MORSE. Mr. President, I wish to commend the Knight newspapers for the courageous journalism that they have displayed in many recent months in high and penetrating criticism of American foreign policy in southeast Asia. The article by Lahey is in keeping with that standard.

In the course of the article Mr. Lahey quotes from a document of AID entitled "Proposed Mutual Defense and Development Program, Fiscal Year 1965." I shall not take time to read the entire section from which he quotes, but I ask unanimous consent that the section on Vietnam, which appears on page 126 of the document, be printed at this point in my remarks.

There being no objection, the section was ordered to be printed in the Record, as follows:

VIETNAM

The outcome of the long and bloody struggle against Vietcong aggression in South